

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7  
8 JOHN BURTON,

9 Plaintiff,

10 v.

11 CITY OF SPOKANE, *et al.*,

12 Defendants.

NO. CV-06-322-RHW

**ORDER DENYING  
DEFENDANTS' MOTION FOR  
PROTECTIVE ORDER WITH  
LEAVE TO RENEW**

13 Before the Court is Defendants' Motion for Protective Order (Ct. Rec. 215).  
14 A telephonic hearing on the motion was held on February 9, 2009. Plaintiff was  
15 represented by Kenneth Kato and James Sweetser; Defendants were represented  
16 by Ellen O'Hara. This order memorializes the Court's oral ruling.

17 Defendants ask the Court to enter a protective order that would govern the  
18 production of documents as ordered by the Court. Defendants are concerned  
19 because the documents contain confidential information. Plaintiff objects to the  
20 entry of the proposed order.

21 At the hearing, the Court made the following rulings:

- 22 1. The City Defendants are ordered to produce the documents to  
23 Plaintiff's counsel.  
24 2. Plaintiff's counsel will not reveal the contents of the documents to  
25 anyone other than counsel.  
26 3. Plaintiff's counsel will review the documents and confer with the City  
27 Defendants' attorneys regarding the confidential nature of the  
28

documents in order to develop an agreed-upon protective order.

4. If the parties cannot agree upon a joint protective order, they should contact Michelle Fox, Courtroom Deputy, to set up a hearing for the Court to conduct an in camera review of the documents.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motion for Protective Order (Ct. Rec. 215) is **DENIED** with leave to renew.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order and forward copies to counsel.

**DATED** this 10<sup>th</sup> day of February, 2009.

*s/ Robert H. Whaley*

ROBERT H. WHALEY  
Chief United States District Judge

Q:\CIVIL\2006\Burton\prot2.ord.wpd